IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.2008 OF 1998

Dena Bank ...Plaintiffs

Versus

Shri Yeshwant Khair & Ors. ...Defendants

Shri Raj Patel i/by K.V.Aiyar & Associates for the Plaintiffs.

CORAM : ABHAY S.OKA, J.
DATED : AUGUST 01, 2007.

P.C.:

1. The suit is listed under the caption of "Undefended Suits for Exparte Decree". The learned counsel for the Plaintiffs states that the Plaintiffs are not pressing prayer clause (b) and they are pressing only prayer clause (a). I have perused the averments made in the plaint. There is no reason to disbelieve the averments made in the plaint. In view of the true copies of the documents annexed to the plaint, this is a fit case for passing a decree by invoking sub-rule 2 of Rule 5 of Order VIII of the Code of Civil Procedure, 1908.

2. Hence, a suit is decreed in terms of prayer clauses (a) and (f). The Plaintiffs will be entitled to refund of court fees as per the rules. Certified copy is expedited.

JUDGE